E. ROBERT SEAVER, CLERK

IN THE SUPREME COURT OF THE UNITED STATES

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| CHARLES VERNON HAWKINS, Petitioner | * | NO. 71-219 |
| VS. | * | |
| UNITED STATES OF AMERICA | * | IN FORMA PAUPERIS |

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PETITION FOR REHEARING

Now comes, Charles Vernon Hawkins, petitioner, in the above-entitled case, to petition for rehearing of the order of October 26, 1971, denying the petition for a writ of certiorari in the above-entitled case.

1. This petition is brought pursuant to Rule 58 (2) and for order of court granting petitioner's right to proceed in forma pauperis.

2. The grounds and intervening circumstances of substantial or controlling effect for this petition are as follows:

3. The Court should have passed upon the constitutional questions inherently involved in 28 U.S.C. 1732 and 1733. Particularly in view of Mc Daniels v. U. S. 343 F. 2d 785, writ denied 382 U. S. 826, 15 L ed 2d, 71, 86 S. Ct. 59 and United States v. Burrus, 418 F. 2d, 677, 679, the United States Court of Appeals, Fourth Circuit.

WHEREFORE, petitioner prays that he be granted a review and rehearing of the Motion for Leave to File Petition for Writ of Certiorari previously denied.

James F. Mulla Jr.

JAMES F. MULLA, JR.
ATTORNEY FOR PETITIONER
Suite 505 Baronne Building
New Orleans, Louisiana 70112
525-7334

## C E R T I F I C A T E

I, James F. Mulla, Jr., attorney for petitioner herein, do hereby certify that the petition for rehearing filed herein is filed in good faith and not for purposes of delay.

JAMES F. MULLA, JR.

## C E R T I F I C A T E  O F  S E R V I C E

I hereby certify that copies of the foregoing petition for rehearing has been served upon the United States Attorney and the Solicitor General by placing a copy in the United States mail, properly addressed with adequate postage affixed thereto.

JAMES F. MULLA, JR.

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES VERNON HAWKINS,
Petitioner

vs.

UNITED STATES OF AMERICA

NO. 71-219

IN FORMA PAUPERIS

MOTION FOR PROCEED IN FORMA PAUPERIS

Now into court, comes Charles Vernon Hawkins, petitioner herein, who respectfully represents that he is unable to afford any filing costs and the printing of briefs and records, and that he desires a rehearing of the denial of his petition for writ of certiorari.

Petitioner attaches to this motion and makes a part thereof his affidavit of paupership.

JAMES F. MULLA, JR.
ATTORNEY FOR PETITIONER
Suite 505 Baronne Building
New Orleans, Louisiana 70112
525-7334

O R D E R

Considering the foregoing motion and affidavit attached thereto it is hereby ordered that petitioner, Charles Vernon Hawkins, be permitted to proceed in forma pauperis.

NOVEMBER , 1971

WASHINGTON, D. C.

UNITED STATES JUSTICE

CITY OF KANSAS CITY

COUNTY OF JACKSON

STATE OF MISSOURI

BEFORE ME, the undersigned authority, personally came and appeared Charles Vernon Hawkins, who after being duly sworn did depose and say that he is the petitioner in the Supreme Court of the United States, in a matter entitled Charles Vernon Hawkins vs. United States of America, No. 71-219.

That his counsel, James F. Mulla, Jr., has filed a writ of certiorari, which writ was denied on October 26, 1971.

That he wishes to petition for rehearing.

That his counsel, James F. Mulla, Jr, has not paid any portion of the agreed fee for said writ.

The he is unemployed and has no property or cash on hand, other than household furnishings, personal clothing and effects and a 1965 Pontiac automobile.

That he desires the court to waive the printing of the petition for rehearing and briefs in this matter and to permit him to prosecute his rehearing in forma pauperis.

Charles Vernon Hawkins

Charles Vernon Hawkins

SWORN TO AND SUBSCRIBED
BEFORE ME, THIS 15th
day of NOVEMBER, 1971.

Joseph L. Carrello

Notary Public

My comm. expires
Oct 27 1973